

SUPREME COURT OF FLORIDA

Troy v. State

948 So. 2d 635 (Fla. 2006) · No. SC04-332 · Decided October 19, 2006

SUMMARY

The Supreme Court of Florida reviewed John Troy’s convictions for armed burglary, armed robbery, sexual battery, and first-degree murder, along with his death sentence. The court rejected challenges to Florida’s voluntary-intoxication statute, the sufficiency of the evidence supporting attempted sexual battery, and other trial and penalty-phase rulings, and affirmed the convictions and sentence.

CASE DETAILS

COURT	Supreme Court of Florida
WRITING FOR THE COURT	Per Curiam; Lewis, C.J.; Wells, J.; Anstead, J.; Pariente, J.; Quince, J.; Cantero, J.
JURISDICTION	Florida
DECIDED	October 19, 2006
DOCKET	SC04-332
DISPOSITION	affirmed
PROCEDURAL POSTURE	Troy appealed convictions for armed burglary, armed robbery, sexual battery, and first-degree murder, together with a death sentence for murder. The State cross-appealed on two issues that the court declined to review.
STANDARD OF REVIEW	Constitutional challenges to statutes were reviewed de novo; sufficiency of the evidence and motions for judgment of acquittal were reviewed under a de novo standard; evidentiary rulings were reviewed for abuse of discretion; and the court independently reviewed the sufficiency and proportionality of the death sentence.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	John Troy v. State of Florida

TOPICS

- sentencing
- criminal procedure
- due process
- equal protection
- evidence

PRACTICE AREAS

criminal law

capital punishment

criminal procedure

appellate procedure

constitutional law

QUESTIONS PRESENTED

1. Whether section 775.051, Florida Statutes (2001), which bars voluntary intoxication as a defense and excludes such evidence for specified purposes, violates due process.
2. Whether the exception for lawful prescription drug use in section 775.051 violates equal protection.
3. Whether the evidence was legally sufficient to support the attempted sexual battery conviction and the use of attempted sexual battery as a felony-murder predicate.
4. Whether Troy had a right to make an unsworn allocution directly before the sentencing jury without being subject to cross-examination.
5. Whether the trial court improperly limited Troy's ability to present evidence of remorse by warning that the State could inquire into his suppressed confession.
6. Whether exclusion of Michael Galemore's speculative testimony violated Troy's rights to present mitigation evidence under the Eighth and Fourteenth Amendments.
7. Whether the trial court erred by refusing to instruct the jury on the statutory age mitigator.
8. Whether the sentencing order improperly treated Florida law as requiring death when aggravating circumstances outweighed mitigating circumstances.
9. Whether Florida's death-penalty scheme violated *Ring v. Arizona*.
10. Whether the evidence was sufficient to sustain the first-degree murder conviction and whether the death sentence was proportionate.

HOLDINGS

1. Section 775.051 is constitutional because eliminating voluntary intoxication as a defense and limiting its use to establish specific intent is a substantive alteration of the mens rea rules, not merely an unconstitutional evidentiary exclusion.
2. The prescription-drug exception in section 775.051 does not violate equal protection.
3. The evidence was legally sufficient to submit the attempted sexual battery charge to the jury and to sustain the conviction.
4. Troy was not entitled to make an unsworn statement of remorse to the jury without being subject to cross-examination.
5. The trial court did not err by warning that evidence of remorse could open the door to relevant portions of Troy's suppressed confession for credibility-related inquiry.
6. The trial court did not abuse its discretion by excluding Galemore's testimony concerning Troy's hypothetical life imprisonment and prison conditions.
7. The trial court did not clearly abuse its discretion or commit harmful error by refusing to instruct the jury on the statutory age mitigator for Troy, who was thirty-one at the time of the crimes.

8. The sentencing order did not improperly treat Florida law as automatically requiring death whenever aggravating circumstances outweighed mitigating circumstances.
9. Troy was not entitled to relief under Ring because the relevant aggravators were based on facts already found by the jury, including the felony-murder predicate and prior violent felonies.
10. The evidence was sufficient to sustain the first-degree murder conviction, and Troy's death sentence was proportionate.

KEY QUOTATIONS

"We find the reasoning and conclusions in Cuc and Barrett to be sound and we adopt that reasoning as our own." (645)

"If there is room for a difference of opinion between reasonable people as to the proof or facts from which an ultimate fact is to be established, or where there is room for such differences on the inferences to be drawn from conceded facts, the court should submit the case to the jury." (647)

"In essence then, Troy was able to assert the substance of the claim he now makes, and thus was not deprived of the opportunity to assert his emotional immaturity." (652)

"Proportionality review "is not a comparison between the number of aggravating and mitigating circumstances; rather, it is a thoughtful, deliberate proportionality review to consider the totality of the circumstances in a case, and to compare it with other capital cases."" (655)

FACTUAL BACKGROUND

John Troy was convicted of murdering Bonnie Carroll after attacking her in her apartment, and of subsequently attacking, binding, and robbing Traci Burchette. Physical and DNA evidence connected Troy to Carroll's murder and Burchette's attack, including blood, DNA, fingerprint, and clothing evidence. Troy admitted responsibility through defense counsel's opening statement but argued that the murder was not premeditated and was not committed during a felony. The trial court imposed death after finding four aggravating factors and multiple statutory and nonstatutory mitigating factors.

PROCEDURAL HISTORY

Troy was convicted by a jury of offenses arising from the murder of Bonnie Carroll and the attack and robbery of Traci Burchette. After an eleven-to-one jury recommendation, the trial court imposed a death sentence and found four aggravating circumstances, along with statutory and nonstatutory mitigating circumstances. The Supreme Court of Florida reviewed the convictions and death sentence, conducted its required sufficiency and proportionality review, and affirmed.

DISPOSITION

affirmed

CASES CITED

- Caribbean Conservation Corp. v. Fla. Fish & Wildlife Conservation Comm'n, 838 So. 2d 492 (Fla. 2003)
- Montana v. Egelhoff, 518 U.S. 37 (1996)
- Patterson v. New York, 432 U.S. 197 (1977)
- Barrett v. State, 862 So. 2d 44 (Fla. 2d DCA 2003)
- Cuc v. State, 834 So. 2d 378 (Fla. 4th DCA 2003)
- State v. Garcia, 229 So. 2d 236 (Fla. 1969)
- Caple v. Tuttle's Design-Build, Inc., 753 So. 2d 49 (Fla. 2000)
- Duncan v. Moore, 754 So. 2d 708 (Fla. 2000)
- Hechtman v. Nations Title Ins. of New York, 840 So. 2d 993 (Fla. 2003)
- Brancaccio v. State, 698 So. 2d 597 (Fla. 4th DCA 1997)
- Johnston v. State, 863 So. 2d 271 (Fla. 2003)
- Pagan v. State, 830 So. 2d 792 (Fla. 2002)
- Donaldson v. State, 722 So. 2d 177 (Fla. 1998)
- Terry v. State, 668 So. 2d 954 (Fla. 1996)
- Banks v. State, 732 So. 2d 1065 (Fla. 1999)
- Orme v. State, 677 So. 2d 258 (Fla. 1996)
- Darling v. State, 808 So. 2d 145 (Fla. 2001)
- State v. Law, 559 So. 2d 187 (Fla. 1990)
- Barwick v. State, 660 So. 2d 685 (Fla. 1995)
- Taylor v. State, 583 So. 2d 323 (Fla. 1991)
- State v. Zola, 112 N.J. 384, 548 A.2d 1022 (1988)
- Spencer v. State, 615 So. 2d 688 (Fla. 1993)
- Johnson v. State, 608 So. 2d 4 (Fla. 1992)
- Jones v. State, 385 So. 2d 132 (Fla. 4th DCA 1980)
- Butler v. State, 842 So. 2d 817 (Fla. 2003)
- Chandler v. State, 702 So. 2d 186 (Fla. 1997)
- Geralds v. State, 674 So. 2d 96 (Fla. 1996)
- Ramirez v. State, 739 So. 2d 568 (Fla. 1999)
- Randolph v. State, 853 So. 2d 1051 (Fla. 2003)
- Nelson v. State, 850 So. 2d 514 (Fla. 2003)
- Shellito v. State, 701 So. 2d 837 (Fla. 1997)
- Garcia v. State, 492 So. 2d 360 (Fla. 1986)
- Gudinas v. State, 693 So. 2d 953 (Fla. 1997)
- Hurst v. State, 819 So. 2d 689 (Fla. 2002)
- Campbell v. State, 679 So. 2d 720 (Fla. 1996)
- Smith v. State, 866 So. 2d 51 (Fla. 2004)
- Alvord v. State, 322 So. 2d 533 (Fla. 1975)

- Ring v. Arizona, 536 U.S. 584 (2002)
- Robinson v. State, 865 So. 2d 1259 (Fla. 2004)
- Owen v. Crosby, 854 So. 2d 182 (Fla. 2003)
- Rimmer v. State, 825 So. 2d 304 (Fla. 2002)
- Beasley v. State, 774 So. 2d 649 (Fla. 2000)
- Porter v. State, 564 So. 2d 1060 (Fla. 1990)
- Singleton v. State, 783 So. 2d 970 (Fla. 2001)

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